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Patent  
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## TELECOMMUNICATIONS COVER LETTER

TRANSMITTING 13 PAGES (INCLUDING THIS PAGE) TO:

NAME: United States Patent and Trademark Office  
Attn: Corrective Filing ReceiptFAX NO: 1 571 273 8300DATE: 4/27/2007NAME OF SENDER: Ralph E. Jocke, Esq.

FAX NUMBER: (330) 722-6446

Re: App. No.: 09/428,035  
Applicant: McGrady, et al.  
Docket No.: D-1123

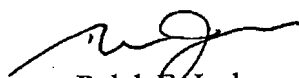
Good Afternoon:

The attached Filing Receipt has incorrectly stated one of the applications for which it claims priority. The filing receipt currently states that this application is "a CIP of 09/086,357 filed May 28, 1998." The correct information is that this application is --a CIP of 09/086,857 filed May 29, 1998--. Please issue a corrected filing receipt that reflects the accurate priority information.

Attached is a copy of the filing receipt with the error noted and the correction inserted. Also attached is a copy of the Declaration and Power of Attorney and a copy of the New Application Transmittal paperwork. Both documents show the correct priority information.

Thank you for your assistance with this matter. If you have any questions, please contact Katherine Higgins, Legal Assistant at the contact information provided below.

Very truly yours,

Ralph E. Jocke  
Walker & Jocke  
231 South Broadway  
Medina, Ohio 44256  
Reg. No. 31,029

If you do not receive all pages, contact the sender IMMEDIATELY at the number listed below.

The information contained in this facsimile message is confidential and intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited and will be considered as a tortious interference in our confidential business relationships. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the address below via the U.S. Postal Service. Thank you.

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231 South Broadway Medina, Ohio U.S.A. 44256-2601

D-1123

PTO-103X  
(Rev. 6-99)FILING RECEIPT  
CORRECTED

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/428,035	10/27/99	2786	\$886.00	D-1123	57	27	2

RALPH E JOCKE  
WALKER & JOCKE  
231 SOUTH BROADWAY  
MEDINA OH 44256

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Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) R MICHAEL MCGRADY, BADEN, PA; R BARRIE SLAYMAKER JR.,  
PITTSBURGH, PA.

CONTINUING DATA AS CLAIMED BY APPLICANT-

PROVISIONAL APPLICATION NO. 60/140,894 06/24/99

\* AND A CIP OF 09/086,357 05/28/98 \*

WHICH IS A CIP OF 08/927,593 09/11/97

WHICH IS A CIP OF 08/361,783 12/16/94

PAT 5,912,818  
PAT 5,790,409

*Should be  
09/086,357  
Filed 5/29/98*

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 11/23/99

TITLE

METHOD OF DISPENSING AND TRACKING THE GIVING OF MEDICAL ITEMS TO  
PATIENTS

PRELIMINARY CLASS: 700

DATA ENTRY BY: YOUNG, MONICA L.

TEAM: 08 DATE: 12/21/99

\*\*\*\*\*

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Practitioner's Docket No. D-1123

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

EL261388425US

## NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): R. Michael McGrady; R. Barrie Slaymaker, Jr.

For (title): Method of Dispensing and Tracking the Giving of Medical Items to Patients

## 1. Type of Application

This transmittal is for a continuation-in-part (C-I-P) application.

## 2. Benefit of Prior U.S. Application (35 U.S.C. 119(e), 120, or 121)

The new application being transmitted claims the benefit of prior U.S. application. Enclosed are

## CERTIFICATION UNDER 37 C.F.R. 1.10\*

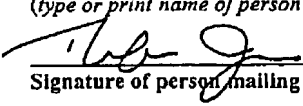
(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date 10/27/99 in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EI261388425US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Ralph E. Jocke

(type or print name of person mailing paper)

  
Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Application Transmittal—page 1 of 5)

ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.

3. **Papers Enclosed**

A. Required for filing date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application

157 Page(s) of Specification

9 Page(s) of Claims

57 Sheet(s) of Drawing(s)—Informal

B. Other Papers Enclosed

6 Page(s) of declaration and power of attorney

1 Page(s) of abstract

4 Page(s) of Assignment and Cover Sheet

4. **Declaration or Oath**

Enclosed

Executed by:

• inventors.

5. **Inventorship Statement**

The inventorship for all the claims in this application is the same.

6. **Language**

English

7. **Assignment**

An assignment of the invention to Diebold, Incorporated is attached. A separate FORM PTO 1595 is also attached.

(Application Transmittal—page 2 of 5)

## 8. Fee Calculation (37 C.F.R. 1.16)

Regular Application

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CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$760.00
Total Claims (37 CFR 1.16(c))	27	- 20 =	7 x	\$18.00	\$126.00
Independent Claims (37 CFR 1.16(b))	2	- 3 =	0 x	\$78.00	\$0.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))			+	\$260.00	\$0.00

Filing Fee Calculation

\$886.00

## 9. Fee Payment Being Made at This Time

Enclosed

Filing Fee \$886.00

Recording assignment  
(\$40; 37 C.F.R. 1.21(h))  
(See attached "COVER SHEET FOR  
ASSIGNMENT ACCOMPANYING NEW  
APPLICATION".)

\$40.00

Total Fees Enclosed

\$926.00

## 10. Method of Payment of Fees

(Application Transmittal—page 3 of 5)

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Charge Account No. 04-1077 (Diebold, Incorporated) in the amount of \$926.00.

A duplicate of this transmittal is attached.

**11. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 04-1077 (Diebold, Incorporated).

37 C.F.R. 1.16(a), (f) or (g) (filing fees)

37 C.F.R. 1.16(b), (c) or (d) (presentation of extra claims)

37 C.F.R. 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))

37 C.F.R. 1.17 (application processing fees)

**12. Instructions as to Overpayment**

Credit Account No. 04-1077 (Diebold, Incorporated).

**ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF  
PRIOR U.S. APPLICATION CLAIMED**

**13. Relate Back**

Amend the specification by inserting, before the first line, the following sentence:

A. 35 U.S.C. § 119(e)

"This application claims the benefit of U.S. Provisional Application No.:

**APPLICATION NO.**

**FILING DATE**

60/140,894

June 24, 1999

(Application Transmittal—page 4 of 5)

**B. 35 U.S.C. § 120, 121 and 365(c)**

This application is a continuation-in-part of copending application 09/086,857 filed on 05/29/98, which is a continuation-in-part of 08/927,593 filed 09/11/97 now patent no. 5,912,818, which is a continuation-in-part of 08/36,783 filed 12/16/94 now patent no. 5,790,409.

**14. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed**

- a. This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application, the inventors in this application are the same.

Reg. No. 31,029  
Tel. No.: (330) 721-0000

  
SIGNATURE OF PRACTITIONER

Ralph E. Jocke  
Walker & Jocke  
231 South Broadway  
Medina, OH 44256

(Application Transmittal—page 5 of 5)

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Practitioner's Docket No. D-1123

PATENT

**COMBINED DECLARATION AND POWER OF ATTORNEY**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is for an original application.

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

Method of Dispensing and Tracking the Giving of Medical Items to Patients

**SPECIFICATION IDENTIFICATION**

The specification is attached hereto.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)**  
(35 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

(Declaration and Power of Attorney—page 1 of 3)



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**APR 27 2007**

**PROVISIONAL APPLICATION NUMBER**

60/140,894

**FILING DATE**

06/24/1999

**POWER OF ATTORNEY**

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Ralph E. Jocke

Registration Number 31,029

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

**SEND CORRESPONDENCE TO**

Ralph E. Jocke  
Walker & Jocke  
231 South Broadway  
Medina, OH 44256 US

**DIRECT TELEPHONE CALLS TO:**

Ralph E. Jocke  
(330) 721-0000


**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(Declaration and Power of Attorney—page 2 of 3)

SIGNATURE(S)

R. Michael McGrady  
Inventor's signature



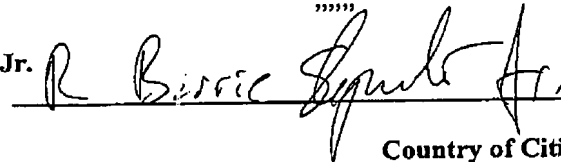
Date July 27, 1999

Country of Citizenship US

Residence Baden, PA

Address 218 Woodcroft Road  
Baden, PA 15005 US

R. Barrie Slaymaker, Jr.  
Inventor's signature



Date July 27, 1999

Country of Citizenship US

Residence Pittsburgh, PA

Address 1648 Jancey Street]  
Pittsburgh, PA 15206-1327 US

(Declaration and Power of Attorney—page 3 of 3)

Practitioner's Docket No. D-1123RECEIVED  
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**ADDED PAGE TO COMBINED DECLARATION  
AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION  
OR C-I-P APPLICATION**

*(complete this part only if this is a divisional, continuation or C-I-P application)*

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)  
UNDER 35 U.S.C. § 120**

I hereby claim the benefit, under Title 35, United States Code, § 120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information

☒ that is material to patentability as defined in 37, Code of Federal Regulations, § 1.56

*(also check the following item, if desired)*

☒ and that is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent,

that occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application. (37 CFR 1.63(e)).

*(also check the following item, if desired)*

☐ In compliance with this duty, there is attached an information disclosure statement, in accordance with 37 C.F.R. 1.98.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC § 120:				
U.S. APPLICATIONS		Status <i>(check one)</i>		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned
1.0 / 09/086,857	05/29/98		X	
2.0 / 08/927,593	09/11/97	X		

(Added Page to Combined Declaration and Power of Attorney for Divisional Continuation or C-I-P Application—page 1 of 3)

3.0/ 08/361,783	12/16/94	X		
PCT APPLICATION DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. APPLICATION NOS. ASSIGNED (If any)		
4.		0 /		
5.		0 /		
6.		0 /		

(Added Page to Combined Declaration and Power of Attorney for Divisional Continuation or C-I-P Application—page 2 of 3)

**35 USC § 119 PRIORITY CLAIM, IF ANY,  
FOR ABOVE LISTED U.S./PCT APPLICATIONS**

ABOVE APPLICATION NO.	DETAILS OF FOREIGN APPLICATION FROM WHICH PRIORITY CLAIMED UNDER 35 USC § 119		
	Country and Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)

(Added Page to Combined Declaration and Power of Attorney for Divisional Continuation or C-I-P Application—page 3 of 3)